

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 29, 2006**

DIVISION ONE

B180198      Zavalza      (Not for Publication)  
v.  
Varela

The judgment is affirmed. Karen M. Varela is awarded her costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Rothschild, J.

B185576      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Jennifer M.

The orders are affirmed.

Spencer, P.J.

We concur:   Mallano, J.  
                      Rothschild, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

DIVISION ONE (Continued)

B188453      Maxine L. et al.                      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Department of Children & Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Spencer, P.J.

I concur:      Rothschild, J.  
I concur in judgment only: Vogel (Miriam A.), J.

B184749      Los Angeles County, D.C.S.                      (Not for Publication)  
v.  
Gerald O.

The order declaring Santiago a dependent ward is reversed, and the matter is remanded for the court to dismiss the petition as to him. We reverse that portion of the dispositional order allowing Angelina's therapist to authorize monitored visitation. In all other respects, the jurisdictional and dispositional order is affirmed.

Rothschild, J.

We concur:      Mallano, Acting P.J.  
Vogel (Miriam A.), J.

B185904      Rene C.  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

Filed order certifying opinion for publication.

DIVISION TWO

B176830      Susan B. et al.                      (Not for Publication)  
                 v.  
                 Los Angeles Unified School District et al.

The order of the trial court is reversed. LAUSD is entitled to costs on appeal.

Ashmann-Gerst, J.

I concur:      Boren, P.J.  
I dissent:      Chavez, J. (Opinion)

B184075      People                                      (Not for Publication)  
                 v.  
                 Guzman

The order under review is affirmed.

Boren, P.J.

We concur:      Ashmann-Gerst, J.  
                         Chavez, J.

B182489      Los Angeles County, D.C.S.  
                 v.  
                 Carrie J.

Filed order denying petition for rehearing.

## DIVISION THREE

B184074 People (Not for Publication)  
v.  
Castaldi

The judgment is reversed. The matter is remanded for proceedings consistent with the opinions expressed therein.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B185578      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
C.S.,

The orders are affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B183710 People v. Ferguson (Not for Publication)  
B186830 In re Ferguson on Habeas Corpus

The appeal is dismissed. The petition for writ of habeas is denied.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B180277      People      (Not for Publication)  
v.  
Henry David Johnstone

Johnstone's conviction on count 1, infliction of corporal injury upon a spouse (§ 273.5, subd. (a)), is affirmed. Johnstone's conviction on count 2, attempted voluntary manslaughter (§§ 664, 192, subd. (a)), is reversed. The sentence is vacated. The matter is remanded for further proceedings consistent with the opinions expressed herein.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

## DIVISION FOUR

B181982      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Pamela G.

The court's orders denying the petition for modification and terminating parental rights are affirmed.

Curry, Acting P.J.

We concur: Willhite, J.  
Hastings, J. (Assigned)

B183651 Delitta L. Jones, as Administrator, etc. (Not for Publication)  
v.  
Alvin Santiel, Jr., et al.

The order is affirmed.

Epstein, P.J.

We concur: Curry, J.  
Hastings, J. (Assigned)

## DIVISION FOUR (Continued)

B178428 Harris et al. (Certified for Publication)

**V.**

Investor's Business Daily, Inc. et al.

The judgment is reversed. We reverse the order following the sustaining of the demurrer to the section 17200 cause of action. We reverse the grant of summary adjudication on the first, second, and third causes of action, alleging violations of California labor laws. The case is remanded to the superior court for proceedings consistent with this opinion. Appellants are to recover their costs on appeal.

Epstein, P.J.

We concur: Curry, J.

Hastings, J. (Assigned)

B185883      Los Angeles County, D.C.S.      (Not for Publication)

V.

Valerie G.

The order terminating mother's parental rights is affirmed.

Willhite, J.

We concur: Epstein, P.J.

Curry, J.

DIVISION FIVE

B182050      Lance Oldenburg                      (Not for Publication)  
                 v.  
                 City of South Gate

The judgment is affirmed. Defendant, City of South Gate, shall recover its costs incurred on appeal from plaintiff, Lance Oldenburg.

Turner, P.J.

We concur:    Armstrong, J.  
                 Mosk, J.

B184618      Daniel J. Davis, as Trustee, etc.,                      (Not for Publication)  
                 v.  
                 Philip Tsui, et al., as Trustees, etc.

The judgment is affirmed. Plaintiff, Daniel J. Davis, as trustee of the Daniel J. Davis Revocable Trust Dated July 14, 1998, is to recover his costs on appeal from defendants Philip Tsui and Mary Quan Tsui, as trustees of the Tsui Family Trust Dated September 14, 1990.

Turner, P.J.

We concur:    Armstrong, J.  
                 Kriegler, J.

DIVISION SEVEN

B185336      In re Z.K., a Minor  
Los Angeles County, D.C.S.                      (Not for Publication)  
v.  
Kim W.

The orders denying Kim W.'s section 388 petition and terminating her parental rights are reversed. The cause is remanded to the juvenile court with directions to conduct a new hearing before a different judicial officer on the section 388 petition and, if it denies the petition, to conduct a new hearing on termination of Kim W.'s parental rights. In ruling on the section 388 petition the court may take into consideration any relevant developments occurring after the entry of the orders that are the subject of this appeal. The court shall not consider Kim's use of drugs occurring prior to the entry of such orders except as it relates to any relapse into drug use following the entry of such orders. In determining whether the provision of family reunification services would be in Z.K.'s best interests the court shall not consider the bond or lack of bond between Z.K. and Kim W. nor shall the court consider Kim W.'s failure to visit Z.K. at any time prior to a court order permitting such visits. The court, however, may consider evidence as to whether family reunification services would result in long-term, serious emotional damage to Z.K. The court shall order that no adult other than the child's CAPTA guardian or the judicial officer assigned to the matter may discuss with Z.K. the case, the facts involved in the case or the orders of the juvenile court or this court.

Johnson, Acting P.J.

We concur:    Woods, J.  
                      Zelon, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.



DIVISION EIGHT (Continued)

Each of the following:

B178166     People v. Debose  
B179312     People v. Shade  
B179399     People v. Bell  
B182470     People v. Valdez  
B188503     Lynne P. v. SCLA (DCFS)

Argument waived, cause submitted.

B181689     People  
                 v.  
                 Hinton

Merits:

Argued by Edi M.O. Faal for appellant and by David E. Madeo, Deputy Attorney General for respondent. Cause submitted.

B175315     People  
                 v.  
                 Escalera

In open court the above matter was continued to the April calendar.

B182736     Beaver  
                 v.  
                 P.A.T.H.

Merits:

Argued by Harry Schenk for appellant and by Mark W. Flory for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B181376     Studor, Inc.,  
                 v.  
                 City Of Los Angeles

Merits:

Argued by Scott Zimmermann for appellant and by Gerald Sato, Deputy City Attorney for respondent and by Richard Drury, amicus curiae for respondent. Cause submitted.

Justice Flier left the bench.

B173022     Karlsson et al.,  
                 v.  
                 Ford Motor Company

Merits:

Argued by Theodore J. Boutrous, Jr. for appellant and by Howard B. Miller for respondents. Cause submitted.

Court recessed.

Court reconvened at 11:20 a.m.

Present: Cooper, P.J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B179130     August Construction, Inc.,  
                 v.  
                 Cerritos Redevelopment Agency

Merits:

Argued by Mak W. Steres for appellant and by Armenak Kavcioglu for respondent. Cause submitted.

DIVISION EIGHT (Continued)

Each of the following:

B183132 Mattel, Inc., v. Brawer

B183251 People v. Corral

Oral argument continued to April 26, 2006, at 9:00 a.m.

Court adjourned.

B188503 Lynne P., (Not for Publication)

v.

Superior Court, Los Angeles County

(Los Angeles County D.C.S., r.p.i.)

The writ petition is denied on the merits. This opinion is to become final as to this court 10 days after its filing (Cal. Rules of Court, rule 24(b) (3).)

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B180525 California Insurance Guarantee Association

v.

Workers Compensation Appeals Board, Harry White et al.

B183529 California Insurance Guarantee Association

v.

Workers Compensation Appeals Board, Francisco Torres et al.

Filed order modifying opinion. Petition for rehearing is denied.  
(No change in the judgment)